

**MINUTES
CITY COUNCIL MEETING
FEBRUARY 24, 2004**

A regular meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:31 p.m. in the City Council Chambers, 4045 Palos Verdes Drive North, by MAYOR MITCHELL.

PLEDGE OF ALLEGIANCE

MAYOR MITCHELL led the assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

City Council Members Present: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

City Staff Present: City Manager Doug Prichard

City Attorney Richard Terzian

Assistant City Manager Sam Wise

Planning Director David Wahba

Community Services Director Andy Clark

Administrative Analyst Greg Grammer

Others Present: Dale Allen, Park and Activities Commissioner

Dan O'Day, Planning Commissioner

CEREMONIAL ITEMS

NONE

ROUTINE MATTERS

A. CITY COUNCIL MINUTES OF FEBRUARY 10, 2004

MAYOR PRO TEM ADDLEMAN requested the following correction on Page 3, Paragraph 5:

*"COUNCILMAN ZERUNYAN inquired as to the estimated time of completion. Mr. Tamble indicated that it could take up to 18 months **on the first phase** depending on restrictions the City wished to impose regarding hours worked, traffic, etc."*

MAYOR PRO TEM ADDLEMAN requested the following correction on Page 3, Paragraph 7:

*"Discussion ensued regarding cost where it was noted by Mr. Tamble that, **since** this is a customer driven project, ~~and would be included in the public's water bill~~ **there would be an increase of up to \$350 annually for each customer.**"*

MAYOR PRO TEM ADDLEMAN requested the following correction on Page 8, Paragraph 3:

"MAYOR PRO TEM ADDLEMAN noted his concern with an additional ~~200,000 cubic yards~~ 250,000 cubic feet of water daily being placed on top of the membrane....."

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ZERUNYAN

TO APPROVE THE CITY COUNCIL MINUTES OF FEBRUARY 10, 2004 AS AMENDED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

B. DEMANDS AND WARRANTS – MONTH OF FEBRUARY

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZERUNYAN

TO APPROVE WARRANTS 35042 THROUGH 35096 FOR A GRAND TOTAL AMOUNT OF \$242,125.07 WITH PROPER AUDIT.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

CONSENT CALENDAR

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE ITEMS A, B, D AND E.

COUNCILMAN ZUCKERMAN pulled Item C. PALOS VERDES PENINSULA CHAMBER OF COMMERCE REPORT – FOURTH QUARTER, 2003 to be considered under New Business.

A. READING OF ORDINANCES AND RESOLUTIONS

Reading in full of all ordinances and resolutions presented for consideration to the City Council will be waived and all such ordinances and resolutions will be read by title only.

RECEIVED AND FILED.

B. JANUARY 2004 SCHEDULE OF INVESTMENTS

Recommendation: That the City Council receive and file the Schedule of Investments Report for the month of January 2004.

RECEIVED AND FILED.

D. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED FEBRUARY 6, 2004

RECEIVED AND FILED.

E. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED FEBRUARY 13, 2004

RECEIVED AND FILED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

AUDIENCE ITEMS NOT ON THE AGENDA/WRITTEN AND ORAL COMMUNICATIONS

A. Tina Bothamley, representing the Palos Verdes High School Road Warriors, commented that their team has accepted a challenge by the United States Department of Defense (Defense Advanced Research Project Agency) to build an autonomous vehicle traveling from Barstow to Las Vegas in under 10 hours. She was pleased to announce that Palos Verdes High School is the only high school in the nation qualifying for this program. Additionally, she noted that the media has picked up this story and will be reporting on it in the near future. She then introduced the following students: Chris Seide, Aaron Schwartz, and Katrina DeSimone who reported what their duties are on the various teams.

MAYOR MITCHELL commented that this is a remarkable achievement and if anyone is interested in donating to this program, contact the Palos Verdes High Booster Club at 600 Cloyden Road, Palos Verdes Estates for more information.

B. Melody Colbert, 4604 Rockbluff, commented on her belief that inaccurate statements were made to the media by proponents of the Palos Verdes Landfill. She noted that the Citizens' Advisory Board has written a letter to the Department of Toxic Substance Control and received a reply that this project has not been signed off. She stated that they will provide their own comments to Los Angeles County.

Ms. Colbert requested the City sponsor airing the Citizens' Advisory Board meetings on cable so as to provide accurate information to the public. She noted their most recent meeting will be shown on Monday and Tuesday from 4:00-6:00 p.m. on Channel 12.

Discussion ensued noting that the government channel only broadcasts City-sponsored activities. City Manager Prichard noted events that are qualified include Coordinating Council meetings, State-of-the-City reports by Peninsula Mayors, City Celebration, Tracy Austin Tennis Tournament, etc. As far as the Citizens' Advisory Board, he stated that this is a community organization and noted that Administrative Analyst Grammer could comment on this matter. Additionally, Administrative Analyst Grammer indicated that the Cities of Palos Verdes Estates, Rancho Palos Verdes and Rolling Hills Estates must agree on airing a particular event on Channel 3.

COUNCILWOMAN SEAMANS noted her concern with presenting both sides of an issue and that more information needs to be provided in order to formulate a policy for these types of requests.

Joan Davidson, Citizens' Advisory Board, stated that, under the City's cable franchise, there is no more Channel 33 public access. She noted that Ms. Colbert paid the fee of \$250 to broadcast this meeting and requested COUNCIL to take this charge over as it was a public participation meeting.

Angela Houle, 44 Ranchview Road, Chair, Citizens' Advisory Board, stated that the various agencies involved attend these meetings and it is their purpose to raise questions that the public deserves to have answered.

COUNCILMAN ZERUNYAN commented that while this committee has its own point of view, he is concerned with endorsing a group that has taken a position even though the COUNCIL has not yet done so. Additionally, he stated that if someone were to come in with an opposing

view, it would only be fair to allow that side to speak as well.

COUNCILMAN ZUCKERMAN noted that the Citizen's Advisory Board may be perceived by the public as a mechanism to block construction of the golf course even though their broad mandate is to study this site further. He stated it was his hope that everyone will be pleased with what the City has done so far. It was his concern, if this request was granted, that the City would set a precedent of having to broadcast other meetings it may not wish to.

COUNCILWOMAN SEAMANS suggested the Citizen's Advisory Board approach Cox Cable with providing this type of forum.

COUNCILMAN ZUCKERMAN noted that their group may continue utilizing the City Hall Council Chambers for those meetings. Additionally, he commented on his appreciation of the Citizen's Advisory Board's effort to keep the public informed.

PUBLIC HEARINGS/MEETINGS

NONE

NEW BUSINESS

A. PLANNING COMMISSION MINUTES OF FEBRUARY 17, 2004

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO RECEIVE AND FILE THE PLANNING COMMISSION MINUTES OF FEBRUARY 17, 2004.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

B. PARK AND ACTIVITIES COMMISSION MINUTES OF FEBRUARY 17, 2004

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZERUNYAN

TO RECEIVE AND FILE THE PARK AND ACTIVITIES COMMISSION MINUTES OF FEBRUARY 17, 2004.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

C. RESOLUTION IN OPPOSITION TO PROPOSITION 56

Recommendation: That the City Council approve Resolution No. 2039 in opposition to Proposition 56 on March 2, 2004.

Administrative Analyst Grammer provided a staff report (as per agenda material).

Discussion ensued regarding COUNCILMAN ZUCKERMAN indicating that he believed the findings could not be made to support this resolution.

It was suggested by COUNCILWOMAN SEAMANS that staff analysis should be limited to providing pros and cons on any given issue.

COUNCILMAN ZERUNYAN concurred with the aforementioned policy. However, he noted the state is in difficult times and has consistently failed local governments. He believed it to be an appropriate time to bring this resolution to COUNCIL since it could be a question of the City's financial survival.

MAYOR PRO TEM ADDLEMAN stated even though the City may not take a position on a piece of legislation, it was important the public be made aware of any negative impacts the City may face in the future.

MAYOR MITCHELL commented that she believed it to be appropriate for the COUNCIL to take positions on ballot measures as they have done so in the past. She noted that she was not prepared to vote on this resolution.

1. RESOLUTION NO. 2039 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES IN OPPOSITION TO PROPOSITION 56

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ZUCKERMAN
TO TABLE RESOLUTION NO. 2039 INDEFINITELY.

AYES: Mitchell, Seamans, Zuckerman

NOES: Addleman, Zerunyan

Pulled from Consent Calendar, Item No. 6C

PALOS VERDES PENINSULA CHAMBER OF COMMERCE REPORT – FOURTH QUARTER 2003

COUNCILMAN ZUCKERMAN expressed his concern with the Chamber's deficit as listed in the report. He noted he would like several of his questions answered which include the Street Fair revenue decrease as well as payroll issues.

MAYOR PRO TEM ADDLEMAN noted that the City has a vested interest as it contributes \$20,000 to assist in funding the Chamber.

COUNCILMAN SEAMANS then suggested representatives from the City meet with the Chamber officials to discuss these concerns. She and MAYOR PRO TEM ADDLEMAN volunteered to serve this purpose.

OLD BUSINESS

- A. SOUTH COAST COUNTY GOLF COURSE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR); APPLICANT: COUNTY OF LOS ANGELES DEPARTMENT OF PARKS AND RECREATION AND MERITAGE ROLLING HILLS GOLF, LLC

Recommendation: That the City Council review the comment letter (Draft No. 2) on the DEIR for the proposed South Coast County Golf Course and suggest any changes or need for additional information. Note that the comment letter must be postmarked no later than March 4, 2004.

Brooke Cooper, 18 Ranchview Road, commended the City for taking action to uphold equestrian interests. She noted that no binding agreements have been made to retain the stables in its present location and has received negative comments regarding the golf course. She provided numerous equestrian-related suggestions to be included in the final letter and thanked the COUNCIL for their efforts.

Joan Davidson again thanked the COUNCIL for their professionalism and dedication to this project. She made several comments regarding the lack of information she believed was given to her from the Sanitation Districts and requested the COUNCIL further investigate her questions.

Angela Houle commended the COUNCIL on what has been accomplished so far despite budgetary concerns. One of her suggestions included adding the California Water Services project to the list under Cumulative Development.

COUNCILMAN ZUCKERMAN noted that the deadline date for the final comment letter is March 4 and recommended sending out the letter as proposed and possibly sending a supplemental letter at a later date. He commented that anyone who is interested may send a letter of their own. His primary concerns were inefficiency of the gas collection system and membrane.

City Attorney Terzian indicated that the County has to respond to anyone who submits a letter. In addition, MAYOR PRO TEM ADDLEMAN recommended the speakers send a letter on behalf of the Citizens' Advisory Board.

City Manager Prichard noted that the City has received expertise advice in preparation of the comment letter, as well as input from residents. He advised sending it out as written and obtaining consultant analysis regarding the gas lines for a supplemental letter as timing is of the utmost importance.

COUNCILMAN ZUCKERMAN reiterated that more questions need to be addressed and recommended that Planning Director Wahba review the inefficiency of the gas collection system and membrane with the City's consultant.

In response to a question regarding completion bonds, COUNCILMAN ZERUNYAN noted he is very familiar with County contracts and that proper bonding is routine.

Planning Director Wahba indicated that he will work with the residents on their suggestions.

City Manager Prichard concurred and directed Planning Director Wahba to meet with the residents while encouraging them to send off their own comments to the County.

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM ADDLEMAN

TO SEND THE FINAL COMMENT LETTER AS AMENDED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

CITY ATTORNEY ITEMS

NONE

CITY COUNCIL/REGIONAL COMMITTEE REPORTS: This item provides the opportunity for Members of the City Council to provide information and reports to other Members of the City Council and/or the public on any issues or activities of currently active Council Committees, ad hoc committees, regional or state-wide governmental associations, special districts and/or joint powers authorities and their various committees on which Members of the City Council might serve or have an interest, which are not otherwise agendized.

A. COUNCILMAN ZUCKERMAN reported he attended the Citizens' Advisory Board meeting on February 23 and will provide information to the COUNCIL at a later time.

B. COUNCILMAN ZERUNYAN reported he attended the West Basin Water Association meeting and enjoyed the presentation from a Marine Corp. Water specialist.

MAYOR AND COUNCIL ITEMS: This item provides the opportunity for Members of the City Council to request information on currently pending projects and/or issues of public concern, direct that an item be agendized for future consideration and/or make announcements of interest to the public.

A. COUNCILWOMAN SEAMANS indicated she was contacted by a representative of the South Coast Botanic Garden requesting the City's support in allowing it to remain open and wished to agendize this at a future meeting. She suggested staff meet with Norma Cantafio to formulate a resolution of support.

City Manager Prichard noted that the County has a list of projects they are considering eliminating and recommended this item be deferred to the Policy Development Session in order to provide a full report.

It was the consensus to defer this item to the Policy Development Session.

At 9:48 p.m. the CITY COUNCIL convened in closed session. At 10:50 p.m., the CITY COUNCIL reconvened in open session with MAYOR MITCHELL, MAYOR PRO TEM ADDLEMAN, COUNCILWOMAN SEAMANS, COUNCILMAN ZERUNYAN and COUNCILMAN ZUCKERMAN in attendance.

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – THREATENED LITIGATION

Pursuant to Government Code Section 54956.9(b)(11), there is a significant exposure to litigation based upon a written communication from a potential plaintiff threatening litigation.

NO ACTION WAS TAKEN.

ADJOURNMENT

At 10:50 p.m., MAYOR MITCHELL formally adjourned the City Council meeting to a joint City Council/Planning Commission meeting on Wednesday, February 25, 2004 at 7:30 a.m.

Submitted by, Approved by,

Hope J. Nolan Douglas R. Prichard

Deputy City Clerk City Manager